

**REMARKS**

This Amendment is responsive to the Office Action dated July 30, 2003. Claims 1-11 were pending in the application. In the Office Action, claims 1-9 were rejected, and claims 10 and 11 were objected to. In this Amendment, claims 1-4, 6-9 and 11 were canceled, claims 5 and 10 were amended, and new claim 12 was added. Claims 5, 10 and 12 thus remain for consideration.

Applicants submit that claims 5, 10 and 12 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

**Drawings**

The drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they included a reference sign not mentioned in the description. More specifically, the symbol "1" included in Applicants' Fig. 2 was not mentioned in the specification.

Applicants have amended the specification to include the symbol "1." As can be seen from Fig. 2, the symbol "1" is used to denote a received data signal, and thus the amendment to the specification does not add new matter to the application. Accordingly, Applicants request that the objections to the drawings be withdrawn.

**In the Specification**

The disclosure was objected to because of informalities.

Applicants have amended the disclosure as suggested by the Examiner and submit that the disclosure is now in compliance with all formality requirements.

**Abstract**

A new abstract has been provided. The new abstract is believed to be in compliance with all formality requirements.

Claim Objections

Claims 1-11 were objected to because of informalities.

Claims 1-4, 6-9 and 11 have been canceled thereby rendering their rejections moot.

Claims 5 and 10 have been amended. Applicants submit that the amendments to claims 5 and 10 render those claims compliant with all formality requirements, and therefore request that the objections to the claims be withdrawn.

§112 Rejections

Claim 6 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 6 has been canceled, thereby rendering its rejection moot.

§101 Rejections

Claims 1-5 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Claims 1-4 have been canceled, thereby rendering their rejections moot.

Claim 5 has been amended, and is now believed to be in compliance with §101. Accordingly, Applicants request that the rejections under §101 be withdrawn.

Allowable Subject Matter / §102 and §103 Rejections

Claims 1, 2 and 6-8 were rejected under 35 U.S.C. §102(b) as being anticipated by Mizoguchi et al.

Claim 6 was rejected under 35 U.S.C. §102(b) as being anticipated by Schmidl et al.

Claims 3 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mizoguchi.

However, the Examiner indicated that claims 4 and 5 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §101 and the claim objections and to include all of the limitations of the base claim and any intervening claims; and that claims 10 and 11 would be allowable if rewritten to overcome the claim objections and to include all of the limitations of the base claim and any intervening claims.

Claims 1-3 and 6-9 have been canceled, thereby rendering its rejection moot.

Claims 5 and 10 have been rewritten to overcome any objections and/or rejections and to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 5 and 10 are in condition for allowance.

Regarding new claim 12, this claim includes the paramount limitation of claims 4 and 10; namely that “the sequence of complex symbols of the first part [of the broadcast burst preamble] differs from the sequence of complex symbols of the second part [of the broadcast burst preamble] in at least one symbol.” Since claims 4 and 10 were indicated as reciting allowable subject matter and the paramount limitation of claims 4 and 10 is included in claim 12, Applicants believe that claim 12 is allowable based at least on its inclusion of such limitation. Indeed, the Examiner admits that Mizoguchi fails to show a preamble having different parts, but rather, teaches a preamble “where the first and second parts are identical.” (Office Action page 6, lines 3 and 4)

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.


If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

  
Bruno Polito  
Reg. No. 38,580  
(212) 588-0800